

CR-581

Conf.  
Pam.  
#282

Duke University Libraries  
Report of the C  
Conf Pam #282

D99027247/



HOUSE OF REPRESENTATIVES, March 16, 1865.—Read and ordered to be printed.

[By Mr. PUGH from the Military Committee.]

---

# REPORT

OF THE

## COMMITTEE ON MILITARY AFFAIRS.

---

The committee, to whom was referred so much of the President's message, of the 13th instant, as relates to military affairs, beg leave to report that, after careful examination, they find but two measures suggested in the message for recruiting the army:

1. "A law, of a few lines, repealing all class exemptions."
2. "A general militia law."

The subject of exemptions has been considered by Congress at each session since the organization of the Government under the permanent Constitution, and, at every session, the classes exempted have been reduced in number, and the exemptions in each class limited by additional restrictions.

At the present session, the "fifteen negro" exemption has been repealed, and the number of exemptions and details further reduced and prohibited. While a few class exemptions, principally of preachers, teachers, physicians and editors are allowed, on certain conditions, by existing laws, it may be reasonably doubted if any increase of the army would be effected by its repeal, and the substitution of an absolute power of detail by the Executive.

The committee, however, were of opinion that the exemptions now allowed might be still further reduced without serious public detriment, and, at an early day of the session, reported a bill for that purpose, which, after being partially considered, was postponed with the view to the immediate passage of the "act to diminish the number of exemptions and details," regarded as more efficient for recruiting the army.

The recommendations of the President to abolish all class exemptions, and to confer upon him alone the unlimited power of detail, presents the question whether the representatives of the people or the Executive shall decide what persons shall constitute the army in the field, and what persons shall remain at home in pursuits indispensable to the vital interests of the country.

Without discussing the policy of subjecting all classes, individuals and avocations, to the exclusive control of the Executive Department

of the Government, experience has demonstrated that the power of detail as heretofore exercised has afforded more unnecessary immunity from military service than the well-guarded legislation upon the subject of exemption. The committee entertained the opinion that serious abuses had been developed under the system of detail; that this opinion was general, and tended to create "discontent and jealousy in the army," and in the country, which it was advisable to abate by further limitations of the power.

The second measure recommended by the President, and deemed by him "the measure most needed at the present time for affording an effective increase to our military strength, is a general militia law." This subject was considered by the committee at an early period of the session, and a bill prepared in pursuance of the recommendations of the President in his regular message. After mature deliberation it was decided that such legislation was unnecessary and inexpedient. Congress has placed at the disposal of the President all persons fit for military service between the ages of seventeen and fifty, and the committee are unable to understand how it can be expected that the power of defending the country would be increased by the passage of a general militia law embracing persons within those ages.

A minority of this committee were willing to organize the militia of the States, whatever it might consist of, and to authorize the President to call such organizations into the military service of the Confederate States irrespective of State lines, and therefore favored the bill referred to, though they did not consider its passage of prime importance.

As a general proposition, it may be confidently stated that the militia organized and employed under State authority, embrace more persons than could be made subject to a law of Congress, and are as efficient for State defence as if organized and employed under Confederate authority. The State, whose Governor has informed the President "that the law does not permit him to call the militia from one county for service in another," has not adopted any such restriction, except as to persons over the age of forty-five. Such is the restriction, the committee are reliably informed, in the State of Alabama, and it is not believed that this, or any similar prohibition exists in any other State. It is unreasonable to suppose that any State would, by legislation, seriously impair the efficiency of the force relied on for its own defence. The only material change that could be effected by a general militia law, would be to transfer the power to control and employ the persons subject to militia duty from the State to the Confederate authorities, and thereby place it in the power of the President to order the militia of a State to any portion of the Confederacy. The policy of using such persons as might constitute militia, under the proposed legislation is more than questionable, in view of the fact that the reserves, under the pressure of the war, are continued indefinitely in the field, and, under recent act, may be ordered beyond the limits of their respective States. If the militia, also, might be so ordered, the number remaining for local police and State defence, already insufficient for the purpose, would be so far reduced as virtually to deprive the State of all means of self preservation. It seems manifest that the extension of conscription to persons over the age of forty-five, while it has greatly impaired the productive power of the country, and in other respects, is prejudicial to the

public service has been attended by no compensating advantage. And the committee are indisposed to extend an erroneous policy by recommending the adoption of any measure to place other persons over the age of forty-five in the general military service of the Confederate States.

Without enlarging upon the merits of the question, the committee express their conviction that in the failure of Congress to pass a general militia law, there is to be found no dereliction of duty, and that, notwithstanding the opinion of the President, from which they have dissented with reluctance, that the proposed measure is the one "most needed at the present time for affording an effective increase to our military strength," they may, without arrogance, hope to escape the disapproval of the army and the people. This being the most important omission of duty alleged by the President as to the military legislation of Congress, the committee is not unwilling to assume its share of the responsibility of the failure, and feel no apprehension of prejudice to the cause therefrom. The problem most difficult to solve, was how to secure the return to the army of officers and men absent without leave. The fact, made public by the President, of the inability of the Government to secure obedience to military obligation of more than one-half of the number enrolled for service in the army, created much disquietude in the public mind, and the expectation may be supposed to have been general, that the President would recommend remedial legislation to correct the evil. Information derived from the proper department, and upon which appropriations are made by Congress in obedience to official estimates, exhibit an army of about a half million of men. The support of the army now in the field, creates an alarming pressure upon the energies of the government; the supply of arms and munitions of war is not considered too abundant for present demand, and Congress may at least be allowed to excuse itself for non-action on the line indicated by the President, until some satisfactory assurances are given of the ability to control and employ the means long since placed at the disposal of the Executive Department of the Government. Every measure proposed by the President or the General-in-Chief to secure the speedy return of absentees and deserters has been legalised by Congress, and this committee, not satisfied that the measures thus suggested would accomplish the desired result, prepared and reported a bill, "most needed at the present time, for affording an effective increase to our military strength." This bill, if objectionable in some of its details, yet promised the most valuable results in its general operation, but encountered opposition from the President so decided as to induce the committee, in deference to his wishes, to abandon the project. But, since the President has urged, in his late message, additional legislation for reinforcing the army, and as Congress is alone entrusted with the power of making the laws best calculated to raise, strengthen and preserve armies, the committee have determined to urge the passage of the bill, with such modifications as may remove objections without destroying the efficiency of the measure. The committee is constrained to believe that the soldiers in the field, who have been true to duty, will recognize the inefficiency of existing remedies for the evils of absenteeism and desertion, and will approve, as an unavoidable necessity, almost any measure calculated to secure

the return to service of those whose presence is demanded by the most urgent considerations of the public safety.

In answer to the complaint that Congress had delayed the passage of the "negro soldier" bill until the measure had lost much of its value, the committee suggest the following reasons for the delay :

1st. The opinion of the President, expressed in his regular message, at the beginning of the present session, that, beyond the "limit" of employing slaves as "pioneer" and "engineer" laborers, it did not seem to him "desirable, under existing circumstances, to go." That "the subject is to be viewed by us solely in the light of policy and our social economy;" that, "when so regarded," he (the President) "must dissent from those who advise a general levy and arming of the slaves for the duty of soldiers;" that, "until our white population shall prove insufficient for the armies we require, and can keep in the field," or "the alternative of subjugation" or "the employment of the slave as a soldier" be presented, the President assured the Congress that the policy of arming the slave "would scarcely be deemed wise or advantageous by any."

2. The equally emphatic statement of the Secretary of War, in his last report, that "his own judgment did not either perceive the necessity or approve the policy of employing slaves in the higher duties of soldiers." Also that "we had within the military age as large a proportion of our white population as would be required, or could be advantageously employed in active military operations."

These solemn avowals of deliberate opinion by the President and his war minister, communicated to Congress, and never revoked, changed or modified in any subsequent message, left Congress in the position of being compelled to override the judgment of these high functionaries upon a subject about which they are presumed to be fully informed, and not likely to fall into error, or to delay action until advised of the happening of the contingencies which would justify a resort to the doubtful policy of arming the slaves.

The appeal made by the President for "earnest and cordial co-operation between all departments of the Government," meets with the hearty approval of this committee, and, doubtless, of Congress. Inability to concur in all the views of the President, or failure to pass, after due consideration, all the measures recommended by him, should not be received as any evidence of an indisposition to co-operate harmoniously with other departments of the Government, in earnest efforts to advance the success of our arms and the welfare of our country.

**Permalife®**  
**pH 8.5**